

10/055,539MS188916.01/MSFTP303USREMARKS

Claims 1-27 are currently pending in the subject application and are presently under consideration. Claim 22 has been amended as shown on page 6 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-14 and 16-27 Under 35 U.S.C. §102(e)

Claims 1-14 and 16-27 stand rejected under 35 U.S.C. §102(e) as being anticipated by Horie *et al.* (Pub. No. 2002/0094191). It is respectfully requested that this rejection should be withdrawn for at least the following reasons. Horie *et al.* does not teach each and every element of the invention as recited in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention relates to a media browsing system that presents a plurality of thumbnails related to a media item based upon analysis of the media item to provide a user an easier way to navigate to their preferred section of the media item. For example, the user may wish to navigate to a particular portion of a movie - applicants' claimed invention can conduct an analysis of the movie to determine that it is two hours long and a thumbnail representation should be provided for each 5 minute interval of the movie. This enables the user to navigate through the thumbnails to locate preferred section(s) of the movie. In particular, independent claim 1 (and similarly independent claims 12, 17, 20-22, 24, 26, and 27) recites *a media display component that displays a media input and at least one of a plurality of thumbnail images related to the media input ... the number of the plurality of thumbnail images is based at least in part on an analysis of the media input by the media delivery system.*

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Horie *et al.* does not teach or suggest the aforementioned novel aspects of applicants' claimed invention. Rather, the cited art teaches a system for recording and playing back media images that are stored on random access storage media, wherein thumbnail images are created based on functions selected by the user. The number of thumbnails created for a single media image is driven by user action. For example, in the disclosed first embodiment, the still images (thumbnails) are a playback indicator which indicates where the user interrupted playback of the media image and user selected storage points. In this case, the number of thumbnails is based upon the number of save points the user has specified. In the "jump" mode embodiment, the number of thumbnails produced is based upon the functions the user selects, such as a random viewing point or a replay function that rewinds a predetermined number of seconds. In all of these examples, the number of thumbnails produced is based upon user actions, and not upon an analysis of the media image. In fact, Horie *et al.* is silent regarding a determination of the number of thumbnails that are created for a single media image. Therefore, Horie *et al.* fails to teach or suggest that the number of the plurality of thumbnail images is based at least in part on an analysis of the media input by the media delivery system.

In view of at least the foregoing, it is readily apparent that Horie *et al.* does not teach or suggest applicants' invention as recited in independent claims 1, 12, 17, 20-22, 24, 26, and 27 (and claims 2-11, 13, 14, 16, 18, 19, and 23 which respectively depend there from), and thus fails to anticipate the subject claimed invention. Accordingly, this rejection should be withdrawn.

II. Rejection of Claim 15 Under 35 U.S.C. §103(a)

Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Horie *et al.* in view of "A Multiscale Random Field Model for Bayesian Image Segmentation" by Bouman *et al.* It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Horie *et al.* and Bouman *et al.*, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the

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references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claim 15 depends from independent claim 12. As noted *supra*, Horie *et al.* does not teach or suggest each and every element of the subject invention as recited in this independent claim and Bouman *et al.* fails to make up for the deficiencies of Horie *et al.* with regard to independent claim 12. Bouman *et al.* discloses an image segmentation system employing a Bayesian model. However, Bouman *et al.* is silent regarding creating thumbnail images. Accordingly, withdrawal of this rejection is respectfully requested.

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MS188916.01/MSFTP303US**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP303US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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